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MEMORANDUM ON THE HOLOHAN CASE

In the latter part of 1944 the whole northern industrial region of Italy, with most of the war factories, was still in Axis hands. Italian partisans, however, were actually in control of many of the rural areas north of the battle lines. A National Committee of Liberation supposedly directed the partisans, but in practice the partisan bands represented many different political colors, the largest of which was the Communist. The National Committee continually pressed the American command to drop arms behind the German lines to enable partisans to attack Nazi communications and transport. The big question, however, was whether the Communists would use the arms against the Germans or stock pile the equipment for a possible civil war later on. The boss of the Communist partisans was called Captain Ciro. His real name was Vincenzo Moscatelli.

On September 26, 1944, Major William V. Holohan was dropped on Mt. Mottarone, about 100 miles north of the battle line. Major Holohan, an OSS officer, became the highest ranking American officer operating behind the German lines in Italy. He was accompanied on the drop by Lt. Aldo Icardi, age 23, and a first-generation American from Pittsburgh, where he had been a law student before entering the service. Icardi was fluent in Italian and could speak even the idiom of the region in which he landed. He was known for his daring and had, in fact, been picked to command this particular assignment which was secretly known as the Chrysler Mission. Because of the importance of the operation, however, Major General William Donovan, then Chief of the OSS, personally decided that an older and more experienced officer should be in command. Major Holohan was 40. He was a graduate of Manhattan College and the Harvard Law School and had served as an attorney for the Securities and Exchange Commission. He was a reserve officer and had never married. He was also a very big man and was known for his strength and general calmness of temperament.

The other principal in the mission was Sergeant Carl G. LoDolce of Rochester, New York. LoDolce also was an Italian-American and spoke Italian fluently. Major Holohan did not. A fourth member of the dropped party was Tullio Lussi who went under the resistance name of Captain Landi.

The parachute party took in a radio sending set along with arms and about \$100,000 in gold, American currency, and Swiss francs. The chief purpose of the mission was to get the low-down on the partisan units and to make sure that help was going to the groups that would best fight the Germans. Holohan kept in communication with his headquarters by radio but only asked for one air drop of arms and explosives between the time he landed and the time of his reported disappearance on December 6, 1944. It was Lt. Icardi who sent the December radio message announcing the Major's disappearance. Later, in January or February of 1945, a courier

arrived at OSS headquarters in Siena with a fuller story. The Chrysler team then occupied the Villa Castelnuovo, a 22-room mansion on Lake Orta. According to this tale, partisan friends had informed Holohan that the German-Fascist forces were preparing a mop-up in that area and apparently had gotten wind of the Chrysler mission. The partisans recommended that Holohan move his headquarters. Holohan demurred at first but chose a new location just in case. It was finally decided to move across the lake that night but before the party could take off a volley of shots, apparently from enemy sources, were heard. All of the men went in different directions with the understanding that they would regroup at the new hideout. All of them arrived safely at the new hideout except Holohan, who was never seen again. They presumed that he had been killed or captured.

Lieutenant Icardi then took charge of the mission and it became extremely active. Between December and April, Icardi called for 50 air drops of arms. This became known as Operation PINEAPPLE. After the war, Italian Police, searching for buried Communist arsenals, dug up quite a bit of this materiel.

During the winter of 1945, Sgt. LoDolce had a nervous breakdown and Icardi had him evacuated to neutral Switzerland. After the war LoDolce received the Distinguished Service Cross on the recommendation of Icardi.

After the war the OSS and the Army conducted another investigation into the disappearance of Holohan. They investigated the possibility that Holohan might have been killed and thrown into Lake Orta, or that he might have been wounded and fallen in. With that in mind they even had the end of the lake near the villa dragged for his body. Nothing was found. They particularly interrogated two Italian partisans who were attached to the Chrysler Mission. They were named Guiseppe Mannini and Gualtiero Tozzini. They were able to shed no additional light on the case.

Meanwhile, Icardi and LoDolce returned to the United States and were separated from the armed forces. Icardi at first went back to the University of Pittsburgh Law School on a GI scholarship, then later went to Peru to continue his studies. LoDolce returned to Rochester where he went to work in an industrial plant.

In July 1946, the Army criminal investigators renewed the investigation of Holohan's disappearance. This investigation disclosed that Lt. Icardi had apparently embezzled and converted to his own use a considerably large sum of money in gold currency entrusted to him by Major Holohan.

In August of 1947 Icardi was located in the United States and was questioned at great length about the disappearance of Major Holohan without developing any new evidence. On September 19, 1947 LoDolce was also found and questioned, with negative results.

In 1948 the Army criminal investigators made an effort to run down some very vague new leads. Nothing came of this but they did obtain the cooperation of the Italian police in the Lake Orta region in establishing listening posts and informant nets, with a view of

picking up all possible information relative to Holohan's disappearance. This method finally produced some leads which led back to Mannini and Tozzini. In June 1950, when a new interrogation trapped them into a series of contradictions, they finally broke down and told the real story of what had happened to Major Holohan.

Their confessions revealed that the Chrysler Mission had brought about a bitter quarrel between the Communist and non-Communist partisans. Holohan called off further air drops of equipment until he could size up the situation. This precipitated the murder of the Major for it brought about a fatal division between Holohan and Icardi. The latter took the position that the Communists were the strongest underground fighting force and that therefore the Mission should play ball with them. The Major, however, remained dubious about the intentions of the Communist group. In organizing the plot against Holohan, Icardi is accused of having played upon the fears of the others in the party. LoDolce, in his confession, said he was persuaded that if they continued to refuse arms and money to the partisans that the partisans in turn would either kill them or betray them to the German-Fascist forces. Holohan's stand completely frustrated his aims. Tozzini and Mannini revealed that the shooting on the night of December 6, 1944, had been faked in order to cover up the planned murder of Holohan that night. Icardi organized the death plot which first called for the poisoning of Holohan. At dinner on the night of December 6, Mannini confessed, he put potassium cyanide into the Major's soup. Holohan quickly became ill and went upstairs to lie down. Fearing the poison would not now be effective and that Holohan would discover the plot, Icardi decided that he would have to be shot. The conspirators drew cards and LoDolce drew the two of spades. Tozzini handed him a Beretta automatic. LoDolce then proceeded upstairs, followed by the others, who were afraid he might lose his nerve. Holohan was groaning in pain but raised up in bed when the others entered the room. LoDolce then pressed the Beretta against his head and fired twice. Holohan's body was tied up in a sleeping bag and carried to the lake front. Heavy stones were attached to the sleeping bag, the body was then loaded in a boat, rowed out about 100 yards and dropped at a point where the water was more than 30 feet.

Upon returning to shore, Icardi took charge, arranged the fake attack on the villa and instructed the party very carefully in the stories they were to tell and to report to headquarters. After that, the Chrysler Mission openly cooperated with the Communist partisans. Icardi was able to deceive his own headquarters in Siena by reporting that the drops were being given to other groups.

The confessions of Tozzini and Mannini were fully corroborated. The body was recovered exactly where they said it would be found. Holohan's body was well preserved because of the coldness of the lake. His wrist watch was still on his arm. Even the death gun was later found. Tests demonstrated it undoubtedly was the gun used in the killing.

When all these facts were finally uncovered a new investigation was begun in the United States. Icardi had left the country but LoDolce was found in Rochester. When questioned anew by military police criminal investigators, he at first persisted in denials.

Under further interrogation, however, he finally confessed and wrote out a statement which confirmed the story told by Tozzini and Mannini. LoDolce was then living at 10 Taft Street, Rochester, New York. After his confession LoDolce was taken into voluntary custody but later had to be released when it became clear that he could not be prosecuted either in the civil courts or through a military trial.

Mannini and Tozzini were first put in a military prison at Turin because they had been in the armed services at the time of the murder. Defense lawyers however argued that they were in fact civilians and the case dragged on for about a year while the Court of Appeals decided the question of this jurisdiction. Recently the court ruled that they would have to face trial before an ordinary civil criminal court.

Settlement of the jurisdictional question in regard to Tozzini and Mannini has raised the possibility of the Italian courts also prosecuting Icardi and LoDolce for the same crime.

In recent months the military police criminal investigators, the Judge Advocate's Office, Counsel for the Department of Defense, and the Department of Justice, have been recanvassing both civil and military law in the hope of finding a way of prosecuting Icardi and LoDolce in this country. All possibilities have now been exhausted and it appears that the only hope of prosecution lies with action by the Italian courts.

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Holahan case

82D CONGRESS
1ST SESSION

H. R. 5232

IN THE HOUSE OF REPRESENTATIVES

AUGUST 17, 1951

Mr. CLEMENTE introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To grant jurisdiction to the district courts of the United States over all crimes committed by members of the Armed Forces of the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That the district courts of the United States shall have
4 jurisdiction over all crimes heretofore or hereafter begun
5 or committed by members of the Armed Forces, upon
6 the high seas, or elsewhere out of the jurisdiction of any
7 particular State or district, such jurisdiction to attach when
8 such person is discharged from the Armed Forces.

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H. R. 5231

IN THE HOUSE OF REPRESENTATIVES

AUGUST 17, 1951

Mr. CLEMENTE introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To grant the retention of jurisdiction of military court-martial boards over crimes committed by persons subject to the orders of military authority.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That any person charged with having committed, while in
4 a status in which he was subject to the orders of a military
5 authority, a crime against an individual acting for the United
6 States, and for which the person cannot be tried in the courts
7 of the United States or any State or Territory thereof or of
8 the District of Columbia, shall not be relieved from amen-
9 ability to trial by courts martial by reason of the termination
10 of such status.

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